



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Yoko TATSUMI, et al.

Serial No.: 09/582,554

Filed: June 28, 2000

For: **A SUBSTANCE HAVING AN APOPTOSIS-INDUCING ABILITY**

Examiner: D. Johannsen

Art Unit: 1655

Commissioner for Patents
Washington, DC 20231

RESPONSE TO PAPER NO. 5

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Dear Sir:

Responsive to the Office Action mailed October 3, 2001, Applicant herein makes provisional election as required by the Patent and Trademark Office.

The Office Action required Applicant to elect a single species of compound "subjected to a heating treatment". Responsive to this requirement, Applicant elects ribose. Claims 1,2,6,14,15,16,20, and 25 are believed to read on that species.

The Office Action also required an election of a single species of substance having "an apoptosis-inducing ability". For this species, applicant elects 4,5-dihydroxy-2-pentenal. Claims 10,11,12,14, and 15 read on this species.

This election is made at the request of the Office Action; however, no such request is deemed to be needed, because Applicant is confident that the generic claims will be allowable, obviating the need to identify species. At any rate, this response is not related to the patentability but rather to the administrative processing of the Patent and Trademark Office and there is no narrowing of claims involved, so no file wrapper estoppel arises from

Examination on the merits is awaited.

Respectfully Submitted,



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Date: 26 Oct 2001
File No.: 4629-006

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